

# Senate Study Bill 1095 - Introduced

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
INSPECTIONS AND APPEALS  
BILL)

## A BILL FOR

1 An Act relating to court appointed special advocates and the  
2 confidentiality of information regarding a child receiving  
3 foster care.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 237.21, subsection 1, Code 2015, is  
2 amended to read as follows:

3 1. The information and records of or provided to a local  
4 board, state board, or court appointed special advocate  
5 regarding a child who is receiving foster care or who is under  
6 the court's jurisdiction and the child's family when relating  
7 to services provided or the foster care placement are not  
8 public records pursuant to chapter 22. The state board and  
9 local boards, with respect to hearings involving specific  
10 children receiving foster care and the child's family, are not  
11 subject to chapter 21.

12 Sec. 2. Section 237.21, Code 2015, is amended by adding the  
13 following new subsections:

14 NEW SUBSECTION. 2A. A court appointed special advocate may  
15 attend family team decision-making meetings or youth transition  
16 decision-making meetings upon request by the family or child  
17 and disclose case-related observations and recommendations  
18 relating to a child or a child's family while attending the  
19 meetings.

20 NEW SUBSECTION. 2B. A court appointed special advocate may  
21 disclose case-related observations and recommendations to the  
22 agency assigned by the court to supervise the case or to the  
23 child's legal representative or guardian ad litem.

24 Sec. 3. Section 237.21, subsection 3, Code 2015, is amended  
25 to read as follows:

26 3. Members of the state board and local boards, court  
27 appointed special advocates, and the employees of the  
28 department and the department of inspections and appeals are  
29 subject to standards of confidentiality pursuant to sections  
30 217.30, 228.6, subsection 1, sections 235A.15, 600.16, and  
31 600.16A. Members of the state and local boards, court appointed  
32 special advocates, and employees of the department and the  
33 department of inspections and appeals who disclose information  
34 or records of the board or department, other than as provided  
35 in ~~subsection 2~~ subsections 2, 2A, and 2B, sections 232.89 and

1 232.126, and section 237.20, subsection 2, are guilty of a  
2 simple misdemeanor.

3 EXPLANATION

4 The inclusion of this explanation does not constitute agreement with  
5 the explanation's substance by the members of the general assembly.

6 This bill relates to court appointed special advocates and  
7 the confidentiality of information regarding a child receiving  
8 foster care.

9 The bill allows a court appointed special advocate to attend  
10 family team decision-making meetings and youth transition  
11 decision-making meetings.

12 The bill amends confidentiality provisions concerning  
13 information and records relating to a child receiving foster  
14 care and foster care placement. Under current law, the  
15 information and records of or provided to a local citizen  
16 foster care review board, the child advocacy board, or court  
17 appointed special advocate regarding a child receiving foster  
18 care and the child's family when relating to the foster care  
19 placement are not public records. The bill specifies that  
20 such confidential information and records include records of  
21 other services provided to a child who is under the court's  
22 jurisdiction.

23 The bill allows a court appointed special advocate to attend  
24 family team decision-making meetings or youth transition  
25 decision-making meetings upon request by the family or child  
26 and disclose case-related observations and recommendations  
27 relating to a child or a child's family while attending the  
28 meetings.

29 The bill also allows a court appointed special advocate to  
30 disclose case-related observations and recommendations to the  
31 agency assigned by the court to supervise the case or to the  
32 child's legal representative or guardian ad litem.

33 The bill exempts members of the state child advocacy  
34 board and local citizen foster care review boards, court  
35 appointed special advocates, and employees of the departments

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1 of human services and inspections and appeals from certain  
2 confidentiality provisions if the disclosure of information  
3 or records of the board or department are as provided under  
4 the provisions of the bill, Code section 232.89 or 232.126  
5 (appointments of counsel under juvenile justice Code), or  
6 section 237.20, subsection 2 (court reports).